

Zoning Board of Appeals Meeting

Darrell and Christine Ward, 13226 Railroad St. SBL #119.07-1-6

January 2, 2018

The Zoning Board meeting was called to order by Chairman Mike DeWitt at 6:30 pm.

Present: Michael DeWitt, Stephanie Bea Pautler, Brian Schumacher, Charlie Gaffney, Tom Kirszenstein, Joe Czechowski, Darrell & Christine Ward.

The purpose of this public hearing: There are two variances being addressed at this meeting.

#1) to allow off-street parking spaces to be installed at 9' wide by 19' long, which would be in contravention of 210-27F(1) of the Code of the Village of Alden which states off – street parking spaces must be a minimum of 10 feet wide by 20 feet long.

#2) to provide 5 off street parking spaces on the premises, which would be in contravention of 210F of the Code of the Village of Alden, which states that a minimum of 10 off street parking spaces are required.

At this point Chairman DeWitt opened the Public Hearing to the audience.

Darrell Ward addressed the board. They purchased an old building they would like to bring back to life. They have been working at their current retail business “Berried Treasures” for 6 years. Their retail traffic is minimal, and on street parking is also an option. The building built in 1943, has a parking lot on the east side. It is not paved and they would like to leave it for green space to save the rural ambiance. They are open 5-6 days a week, but 7 days around the Christmas holiday.

Chairman DeWitt questioned if they had to put in more spaces, they could.

Mr. Ward said yes, they could since it is a half-acre lot, but would hate to see it blacktopped, if business booms and they need to make room for more spaces, it is an option.

CEO Czechowski informed the board that Erie County Dept. of Planning has been contacted and they had no recommendations. Two neighbors had also contacted him with no objections. They would've attended to show their support, however the inclement weather kept them away: 1380 Kellogg – Betty Sitzman and 1377 Kellogg Amber Burkhardt.

MOTION by Brian Schumacher, seconded by Tom Kirszenstein to close the Public Hearing. Carried.

At this time Chairman DeWitt proceeded to review the six criteria for the requested area Variance for the required number of parking spaces, from ten to five.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance? **No, have statements from the neighbors with support and would like to maintain green space.**
2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? **Yes. Could put in more spaces, but it would use up green space on the lot.**
3. Whether the requested area variance is substantial? **No, based on traffic**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? **No, it will have a positive impact, because they are keeping it green space.**
5. Whether the alleged difficulty was self-created: which consideration shall be relevant to the decision of the board of appeals, but shall not necessary preclude the granting of the area variance? **Yes.**
6. Whether it will create a hazard to health, safety or general welfare? **No.**

4 no's and 2 yes's, the board feels that revitalizing an empty building and restoring it to its grandeur, would be an asset to the village.

MOTION by Tom Kirszenstein and seconded by Charles Gaffney, to grant the requested variance, Unanimous, Carried.

Member Pautler-Bea asked if the variance is good for this owner only. CEO Czechowski explained that this variance goes with the property, as long as the use continues to be retail and the foot print is not changed for any future owners the variance is valid.

At this time Chairman DeWitt proceeded to review the six criteria for the requested area Variance for the size of the parking spaces, from 9' instead of 10', and 19'In length instead of 20'.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance? **No**
2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? **Yes. There is more room to put in more spaces, but it would use up green space.**
3. Whether the requested area variance is substantial? **No, only 1 foot reduction each way.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? **No. The CEO explained that the smaller spaces would still be larger than the NYSDOT standards.**
5. Whether the alleged difficulty was self-created: which consideration shall be relevant to the decision of the board of appeals, but shall not necessary preclude the

granting of the area variance? **Yes, although keeping the spaces at 10'x20' would reduce the available spaces in the existing areas from 5 to 4.**

6. Whether it will create a hazard to health, safety or general welfare? **No, will have no impact as the spaces will be present regardless of size.**

4 no's, 2 yes. As it is a retail setting and there is room to expand their business if the need arises, the green space also adds to the rural landscape.

MOTION by Brian Schumacher and seconded by Stephanie Pautler Bea, to grant the requested variance, Unanimous, Carried. 6:42 pm.

MOTION by Tom Kirszenstein and seconded by Charles Gaffney, to adjourn the meeting, Unanimous, Carried. 6:43 pm.

Respectfully submitted,

Sue Galbraith, ZBA Secretary